



IPW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Ryuji Shiozaki, et al.

Serial No.: 10/500,819

Group Art Unit: 1745

Filed: July 7, 2004

Examiner: Tony Sheng Hsiang

For: POSITIVE ACTIVE MATERIALS AND NON-AQUEOUS  
ELECTROLYTE BATTERIES EMPLOYING THE SAME

Commissioner for Patents  
Alexandria, Virginia 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir:

In response to the Notice of Abandonment dated January 15, 2008, in the above-identified application, and in accordance with Delgar, Inc., v. Schuyler (172 USPQ 513) (DDC 1971) and MPEP § 711.03(c), page 700-92, second column (Ed. 7, July 1998), Applicants state that the original Office Action was never received by Applicants and that Applicants searched the file jacket and docket records and this search indicated that the Office Action was not received. Thus, Applicants hereby petition for the Office Action to be re-mailed and for withdrawal of the holding of abandonment.

Accompanying this Petition is the Declaration of Mary C. Gibb, Manager of the Docketing Department in the undersigned's law firm of McGinn Intellectual Property Law Group, PLLC. As set forth in that Declaration, Ms. Gibb, in her capacity as Manager of the Docketing Department, is intimately familiar with all of the details regarding the processing

of mail received in the Docketing Department, including correspondence received from the U.S. Patent and Trademark Office. Attached to the Declaration is supporting documentation (Exhibits 1-3) showing that no Office Action in the subject application was processed by the Docketing Department or received by the undersigned's law firm.

Another attachment (Exhibit 4) to the Declaration of Ms. Gibb, is a copy of the front cover of the subject application's file jacket maintained in the undersigned's law firm. It should be noted that the file jacket cover shows the chronological sequence of correspondence between the undersigned's law firm and the U.S. Patent and Trademark Office. As noted on the cover, the application was filed on July 7, 2004, with Declaration and Assignment. There is no indication of receipt of any Office Action by the undersigned's law firm.

The undersigned has been associated with McGinn Intellectual Property Law Group, PLLC, for a number of years, and in that time has been able to rely on the performance of the Docketing Department to provide conscientious, reliable, and competent notice of due dates for responses to correspondence received from the U.S. Patent and Trademark Office. Based on the undersigned's familiarity with the good work performed by the employees of the Docketing Department, it is respectfully submitted that the only reasonable conclusion is that no Office Action was ever received by the undersigned's law firm for the above-identified application.

Based on the statements herein and on the detailed description provided in the Declaration of Ms. Gibb, which description is believed to satisfy fully the requirements set

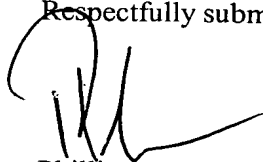
Docket No. Y31-170800C/KK  
Application Serial No. 10/500,819  
NGB.415

3

forth in MPEP § 711.03(c), Applicant respectfully requests that the Office Action be re-sent in the subject application and that the holding of abandonment be withdrawn.

Since this error is due to the U.S. Patent and Trademark Office, no fee is believed necessary. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,



Phillip E. Miller, Esq.  
Registration No. 46,060

Date:

2/28/08

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**

8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Ryuji Shiozaki, et al.

Serial No.: 10/500,819

Group Art Unit: 1745

Filed: July 7, 2004

Examiner: Tony Sheng Hsiang

For: POSITIVE ACTIVE MATERIALS AND NON-AQUEOUS  
ELECTROLYTE BATTERIES EMPLOYING THE SAME

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

**DECLARATION OF MARY C. GIBB**

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn Intellectual Property Law Group, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn Intellectual Property Law Group, PLLC.
3. Each business day (Monday-Friday), McGinn Intellectual Property Law Group, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (PTO). That correspondence relates to patent and trademark applications being handled by McGinn Intellectual Property Law Group, PLLC, and includes Office Actions. Generally, since McGinn Intellectual Property Law Group, PLLC, is located in Vienna, Virginia, PTO correspondence is received by the law firm within one or two business days after the PTO mailing date, although sometimes it takes longer. All mail is received in

the Docketing Department, including PTO correspondence. The PTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn Intellectual Property Law Group, PLLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, an Office Action must be answered within the response time specified therein (within one, two, or three months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the Office Action and also six months after the mailing date of the Office Action (the non-extendable date). Attached as Exhibit 1 to my Declaration are copies of the pages of the docket book for items having a due date of July 25, 2007 and October 25, 2007 (three months and six months from the alleged mailing date of the Office Action). As can be seen from Exhibit 1, there is no entry for the above-identified application, indicating that the Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

6. Once the PTO Office Action received on a given date has been manually entered in the docket book as just described, the appropriate file for the PTO Office Action is

pulled and matched up to that Office Action. The appropriate file and the PTO Office Action is then given to the secretary to the attorney responsible for handling the file. The secretary then enters the PTO Office Action and the response due date in the secretary's docket book and on the front cover of the application's file jacket.

7. On a weekly basis, a docket of cases due that week and the pertinent due dates for response for each case is given to each person at McGinn Intellectual Property Law Group, PLLC. This docket is double-checked with the docket maintained by the secretary. I have reviewed this list, and it does not include an entry for the above-identified application. Attached as Exhibit 2 to my Declaration is a copy of the list of cases submitted (due) for the weeks of July 24, 2007 and October 23, 2007. As can be seen from Exhibit 2, there is no entry relating to a PTO mailing of an Office Action in connection with the above-identified application.

8. In addition to manually entering entries in the docket book as just described, the same information is entered in our computer docketing program. Attached as Exhibit 3 to my Declaration is a copy of the report from the computerized docketing program for the above-identified application. As can be seen from Exhibit 3, there is no entry indicating that the Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

9. Further, I attach Exhibit 4, which is a copy of the front cover of the subject application's file jacket. It should be noted that the file jacket front cover shows the chronological sequence of correspondence between the law firm and the U.S. Patent and

Trademark Office. The left side of the front cover is filled in by the Attorney's secretary as Actions are received and docketed by them. The right side is filled in by the Attorney's secretary as the Actions are completed. As shown, there is no evidence showing an Office Action was ever received.

10. Based on my review of Exhibits 1-4, and on my personal knowledge of the procedures followed by McGinn Intellectual Property Law Group, PLLC, in the Docketing Department for handling PTO Office Actions, I conclude that no Office Action was received by McGinn Intellectual Property Law Group, PLLC, for the above-identified application.

11. The Notice of Abandonment which was received by McGinn Intellectual Property Law Group, PLLC, on January 15, 2008, is the most recent communication from the PTO for the above-identified application. This Notice of Abandonment is addressed to our current address at 8321 Old Courthouse Road, Suite 200, Vienna, Virginia 22182-3817.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_

2/22/08

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**

8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

Mary C. Gibb

Mary C. Gibb  
Manager, Docketing Department



|                      |                   |                           |                    |
|----------------------|-------------------|---------------------------|--------------------|
| <del>CAS.001</del>   | 5/18              | Resp. (L. Day)            | <del>SMT</del>     |
| <del>IEL.056</del>   | 3/20              | Resp. (L. Day)            | <del>FEC SMT</del> |
| <del>VATO.1216</del> | <sup>new</sup> 01 | Resp. (L. Day)            | <del>SMT</del>     |
| <del>NGB.1216</del>  |                   | Resp. (L. Day) 7/25       | <del>SMT</del>     |
| <del>EPI.051</del>   | 4/25              | Resp. (L. Day)            | <del>SMT SMT</del> |
| <del>ANA.025</del>   | DIV aband.        | Final (L. Day)            | <del>SMT</del>     |
| <del>Fuji.059</del>  |                   | Resp. (L. Day) 4/25       | <del>PEH SMT</del> |
| <del>NGB.067</del>   | 4/24              | Resp. (L. Day)            | <del>SMT</del>     |
| <del>YAN.042</del>   | 2/22              | Resp. (L. Day)            | <del>SMT</del>     |
| <del>YOR.678</del>   | 3/26              | NCAP / Nomp (L. Day)      | <del>FEC</del>     |
| <del>HIR.083</del>   | 2/21              | Resp. (L. Day)            | <del>FEC</del>     |
| <del>NGB.108</del>   | 3/21              | Nomp (L. Day)             | <del>SMT</del>     |
| <del>NGB.106</del>   | 3/21              | Nomp. (L. Day)            | <del>SMT</del>     |
| <del>Suz.029</del>   | 4/20              | Resp. (L. Day)            | <del>JWF</del>     |
| <del>HIR.167</del>   | 7/25              | Response                  | <del>PEM</del>     |
| <del>NGB.039</del>   | CONT. Allowed     | Final (3 mo.) amend. 7/25 | <del>FEC</del>     |
| <del>NGB.311</del>   | 8/3               | Issue Fee                 | <del>JCH</del>     |
| <del>GOT.080</del>   | ext.              | Final (2 mo.) allowed     | <del>FEC</del>     |
| <del>IEL.056</del>   | new 01            | Final (2 mo.) amend. 7/25 | <del>FEC</del>     |
| <del>WAR.216</del>   | 7/24              | Nomp                      | <del>SMT</del>     |
| <del>Suz.028</del>   | 7/25              | Appeal Brief              | <del>PMCG</del>    |
| <del>YOR.335</del>   | DIV 1 7/25        | Response                  | <del>SMT SMT</del> |
| <del>Fuji.090</del>  | 7/25              | IDS                       | <del>SMT</del>     |
| <del>KUM.005</del>   | 7/5               | Interview Summary         | <del>DJC</del>     |
| <del>YOR.465</del>   | 7/25              | Interview Summary         | <del>FEC</del>     |

|                                    |                                   |                    |
|------------------------------------|-----------------------------------|--------------------|
| <del>HR. 167</del> 7/25            | <del>Resp. (L. Day)</del>         | <del>PERM</del>    |
| <del>NGB. 039</del> CONT.          | <del>Final (L. Day) allowed</del> | <del>FEC</del>     |
| <del>GOT. 080</del> allowed        | <del>Final (5 mo.)</del>          | <del>FEC</del>     |
| <del>LET. 056</del> ext.           | <del>Final (5 mo.) new at</del>   | <del>FEC</del>     |
| <del>YOR. 335</del> DIV 1 7/25     | <del>Resp. (L. Day)</del>         | <del>SMN</del>     |
| <del>HR. 134</del> RCE             | <del>FINAL (4 Mo.)</del>          | <del>DJL</del>     |
| <del>QAO. 031</del> 10/24          | <del>L. fee (L. Day)</del>        | <del>SKT</del>     |
| <del>SOE. 001</del> ext.           | <del>Response 11/29</del>         | <del>JK SKN</del>  |
| <del>Fujit. 085</del> 10/25        | <del>Response</del>               | <del>SKN</del>     |
| <del>WAR. 125</del> 9/25           | <del>Response</del>               | <del>SKN</del>     |
| <del>HR. 140</del> 10/25           | <del>Response</del>               | <del>SKN</del>     |
| <del>YOR. 489</del> (error)        | <del>L. fee (L. Day) 10/25</del>  | <del>FEC</del>     |
| <del>KUD. 089</del> 10/24          | <del>L. fee (L. Day)</del>        | <del>PERM</del>    |
| <del>UNI. 040</del> 10/24          | <del>Response</del>               | <del>PER SKN</del> |
| <del>WAR. 101</del> 11/7           | <del>Issue Fee</del>              | <del>DMCG</del>    |
| <del>Fujit. 097</del> ext. to 11/2 | <del>HDS</del>                    | <del>SKN</del>     |
| <del>NGB. 087</del> CONT. error    | <del>HDS</del>                    | <del>SKN</del>     |
| <del>Fuo. 071</del> 10/24          | <del>Response (1 mo.)</del>       | <del>SKN</del>     |
| <del>Fujit. 076</del> 10/24        | <del>Response (1 mo.)</del>       | <del>SKN</del>     |
| <del>Fujit. 075</del> 10/25        | <del>HDS</del>                    | <del>SKT</del>     |
| <del>LAK. 042</del> DIV 10/5       | <del>Response (1x)</del>          | <del>PER</del>     |
| <del>NSE. 340</del> ext.           | <del>Response (1x) 11/20</del>    | <del>DJL</del>     |
| <del>YOR. 498</del> DIV 10/24      | <del>L. fee (L. Day)</del>        | <del>SKT</del>     |

# DOCKET

July 24, 2007 - July 30, 2007

Please compare this with your personal docket and inform us of any changes or additions!

| <u>DUE DATE</u>  | <u>FILE</u> | <u>ACTION</u>               | <u>ATTY</u> |
|------------------|-------------|-----------------------------|-------------|
| Tuesday, 7/24/07 | KAT.037     | FINAL ( L. Day )amend. 6/12 | DJL         |
|                  | MAR.067     | FINAL ( L. Day )amend. 6/25 | DJL         |
|                  | KUD.101     | Issue Fee                   | DJL         |
|                  | NGB.572     | Response                    | JWF         |
|                  | KUD.098     | Issue Fee                   | JWF         |
|                  | NEC.276 DIV | FINAL ( 3 mo. )amend. 6/29  | PEM         |
|                  | JTL.011     | Response                    | SMT         |
|                  | YOR.228 DIV | FINAL ( 3 mo. )amend. 6/25  | SMT         |
|                  | NGB.506     | I. Fee ( L. Day )           | SMT         |
|                  | RYU.002     | Issue Fee                   | SMT         |
|                  | HIR.099     | Response                    | PmcG        |
|                  | KOH.002     | TM Response ( 3 mo. )       | SMM         |
|                  | KOH.003     | TM Response ( 3 mo. )       | SMM         |
|                  | KUD.185     | IDS                         | SMM         |
|                  | KATO.041    | Issue Fee                   | DAD         |
|                  | YOR.673     | IDS                         | JEH         |

Issue Date:

7,248,870 FUK.011 DIV SMM 7,248,543 EBI.011 SMM 7,248,254 FUJ.059 PmcG  
7,247,884 NGB.150 SMT 7,249,366 YOR.053 DIV PEM 7,248,078 IEI.053 SMM

|                    |              |                            |      |
|--------------------|--------------|----------------------------|------|
| Wednesday, 7/25/07 | NGB.126      | Resp. ( L. Day )           | SMT  |
|                    | YOR.335 DIV1 | Response                   | SMT  |
|                    | HIR.167      | Response                   | PEM  |
|                    | NGB.039      | FINAL ( 3 mo. )amend. 6/25 | FEC  |
|                    | GOT.080      | FINAL ( 2 mo. )            | FEC  |
|                    | IEI.056      | FINAL ( 2 mo. )            | FEC  |
|                    | YOR.465      | Interview Summary          | FEC  |
|                    | NGB.311      | Issue Fee                  | JEH  |
|                    | WAK.216      | NOMP                       | SMM  |
|                    | FUJI.090     | IDS                        | SMM  |
|                    | SUZ.028      | Appeal Brief               | PmcG |
|                    | KUM.005      | Interview Summary          | DJL  |

|                   |             |                            |     |
|-------------------|-------------|----------------------------|-----|
| Thursday, 7/26/07 | NIS.056 DIV | FINAL ( 5 mo. )            | FEC |
|                   | YOR.292     | Non-Compliant Appeal Brief | FEC |
|                   | NGB.329     | Response                   | SMT |
|                   | YOR.484 DIV | Response ( 1 mo. )         | SMT |

Exhibit 2  
(page 1 of 5)

|                 |                   |                            |                        |
|-----------------|-------------------|----------------------------|------------------------|
| Friday, 7/27/07 | NGB.306           | FINAL ( 5 mo. )            | JEH                    |
|                 | ORI.055           | Maintenance Fee ( L. Day ) | SMM                    |
|                 | ORI.034           | Maintenance Fee ( L. Day ) | SMM                    |
|                 | IEI.036           | I. Fee ( L. Day )          | SMM                    |
|                 | NGB.707           | Issue Fee                  | SMM                    |
|                 | NGB.723           | Issue Fee                  | SMM                    |
|                 | NGB.722           | Issue Fee                  | SMM                    |
|                 | LEN.025           | Draft TM App.              | SMM                    |
|                 | EDU.006           | TM Office Action ( 4 mo. ) | SMM                    |
|                 | SHIM.018          | Response                   | JEH                    |
|                 | NGB.365           | FINAL ( 3 mo. )            | JWF                    |
|                 | NGB.039 CONT.     | FINAL ( 3 mo. )            | FEC                    |
|                 | IEI.085           | Issue Fee                  | FEC                    |
|                 | MAS.006           | Issue Fee                  | FEC                    |
|                 | KAT.036           | Notice of Abandonment      | PEM                    |
|                 | YOR.418           | IDS                        | PEM                    |
|                 | Saturday, 7/28/07 | NCF.001                    | Renewal ( 1 yr. date ) |
| EDU.003         |                   | TM Office Action ( 4 mo. ) | SMM                    |
| FUJ.076         |                   | Response ( 1 x )           | DAD                    |
| Sunday, 7/29/07 | YOR.430 DIV       | FINAL ( L. Day )           | SMT                    |
|                 | KATOR.004         | FINAL ( 2 mo. )            | SMT                    |
|                 | YOR.676           | NCAP                       | SMT                    |
|                 | USH.028           | FINAL ( 4 mo. )amend. 6/27 | PEM                    |
|                 | FUJI.028          | Examiners Answer           | FEC                    |
|                 | WAK.219 REI       | NOMP                       | FEC                    |
|                 | KATO.069          | FINAL ( 2 mo. )            | FEC                    |
|                 | YOR.489           | Response ( 1 x )           | FEC                    |
|                 | FUJIT.094         | IDS                        | SMM                    |
| NGB.444         | Response ( 1 x )  | JWF                        |                        |
| Monday, 7/30/07 | AIR.001           | National Stage Entry       | SMT                    |
|                 | USH.027           | FINAL ( 2 mo. )            | SMT                    |
|                 | KATO.108          | FINAL ( 2 mo. )            | SMT                    |
|                 | PRI.004           | FINAL ( 2 mo. )            | SMT                    |
|                 | NGB.088 CONT. 2   | Resp. ( L. Day )           | SMT                    |
|                 | NEC.309           | Response                   | DAD                    |
|                 | NEC.295           | Response                   | SMM                    |
|                 | ORI.061           | Response                   | SMM                    |
|                 | MATSUB.004        | Issue Fee/Corrected Drwgs  | SMM                    |
|                 | WAK.218           | IDS                        | SMM                    |
|                 | HIBI.046          | NCAP                       | SMM                    |
|                 | NGB.767           | Preliminary Amendment      | SMM                    |
|                 | YOR.526           | FINAL ( 3 mo. )amend..7/2  | PEM                    |
|                 | TAKAH.003         | FINAL ( 2 mo. )            | PEM                    |
|                 | IEI.072           | Response ( 1 x )           | FEC                    |
|                 | IEI.073           | Response ( 1 x )           | FEC                    |

Exhibit 2  
(page 2 of 5)

# DOCKET

October 23, 2007 - October 29, 2007

Please compare this with your personal docket and inform us of any changes or additions!

| <u>DUE DATE</u>   | <u>FILE</u> | <u>ACTION</u>              | <u>ATTY</u> |
|-------------------|-------------|----------------------------|-------------|
| Tuesday, 10/23/07 | FUS.055     | I. Fee ( L. Day )          | DJL         |
|                   | IEI.013     | I. Fee ( L. Day )          | DJL         |
|                   | FUS.070     | FINAL ( 2 mo. )            | DJL         |
|                   | KAJ.001     | I. Fee ( L. Day )          | PEM         |
|                   | YOR.547     | Issue Fee                  | PEM         |
|                   | NGB.412     | Response ( 2 x )           | PEM         |
|                   | KATO.098    | FINAL ( 3 mo. )amend. 10/5 | FEC         |
|                   | YOR.719     | FINAL ( 2 mo. )            | FEC         |

Issue Date:

7,286,856 YAN.039 DAD D553,376 NGB.707 SMM D553,377 NGB.723 SMM  
7,286,390 KUD.130 FEC 7,286,167 NGB.320 SMM 7,284,969 NGB.307 JEH  
7,285,906 EBI.019 SMM 7,284,927 ORI.102 JWF 7,285,803 HIR.109 JWF  
7,286,669 AMA.048 PmcG D553,767 MATSUB.004 SMM D553,650 IWA.054 SMM  
7,286,475 YAN.035 DAD

|                     |                |                     |      |
|---------------------|----------------|---------------------|------|
| Wednesday, 10/24/07 | KOH.002        | TM Resp. ( L. Day ) | SMM  |
|                     | KOH.003        | TM Resp. ( L. Day ) | SMM  |
|                     | HIR.231        | I. Fee ( L. Day )   | SMM  |
|                     | KATO.143       | I. Fee ( L. Day )   | SMM  |
|                     | NGB.591        | Issue Fee           | SMM  |
|                     | HIR.209        | IDS                 | SMM  |
|                     | KATO.066       | IDS                 | SMM  |
|                     | NEC.363        | FINAL ( 2 mo. )     | SMM  |
|                     | FUS.095        | IDS                 | SMM  |
|                     | NGB.777        | NOMP ( 1 x )        | SMM  |
|                     | IEI.083        | Response            | FEC  |
|                     | NGB.536        | Response            | FEC  |
|                     | YOR.543        | Response ( 1 mo. )  | FEC  |
|                     | NGB.286        | FINAL ( 3 mo. )     | SMT  |
|                     | NGB.088 CONT.2 | IDS                 | SMT  |
|                     | NGB.088 CONT.3 | IDS                 | SMT  |
|                     | YOR.425 CONT.  | FINAL ( 2 mo. )     | SMT  |
|                     | IEI.022        | FINAL ( 2 mo. )     | PmcG |
|                     | WAK.111        | FINAL ( 2 mo. )     | DAD  |

Exhibit 2  
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Thursday, 10/25/07

|             |                           |      |
|-------------|---------------------------|------|
| IEI.056     | FINAL ( 5 mo. )           | FEC  |
| YOR.489     | I. Fee ( L. Day )         | FEC  |
| HIR.124     | FINAL ( 4 mo. )amend. 9/5 | DJL  |
| NEC.340     | Response ( 1 x )          | DJL  |
| ONO.031     | I. Fee ( L. Day )         | SMT  |
| FUJIT.075   | IDS                       | SMT  |
| YOR.498 DIV | I. Fee ( L. Day )         | SMT  |
| SOE.001     | Response                  | JL   |
| FUJIT.085   | Response                  | SMM  |
| HIR.140     | Response                  | SMM  |
| FUJIT.097   | IDS                       | SMM  |
| FUS.071     | Response ( 1 mo. )        | SMM  |
| FUJIT.076   | Response ( 1 mo. )        | SMM  |
| KUD.089     | I. Fee ( L. Day )         | PEM  |
| UNI.040     | Response                  | PEM  |
| WAK.101     | Issue Fee                 | PmcG |

Friday, 10/26/107

|             |                            |     |
|-------------|----------------------------|-----|
| MAR.094     | Response                   | SMT |
| FUS.081     | Response                   | SMT |
| YOR.228 DIV | Response                   | SMT |
| USH.015     | Response                   | SMT |
| USH.004 DIV | I. Fee ( L. Day )          | FEC |
| KAT.041     | FINAL ( 3 mo. )amend. 10/5 | FEC |
| KATO.140    | Response                   | FEC |
| YAS.040     | FINAL ( 3 mo. )            | FEC |
| BUR096      | I. Fee ( L. Day )          | FEC |
| KATO.063    | Issue Fee                  | FEC |
| HIR.120     | Response                   | PEM |
| KATO.079    | Response                   | PEM |
| COS.001     | Response                   | PEM |
| WAK.134     | Issue Fee                  | PEM |
| NGB.305     | Response                   | JL  |
| MAR.066     | I. Fee ( L. Day )          | DJL |
| FUJ.065     | FINAL ( 3 mo. )            | DJL |
| IEI. 036    | I. Fee ( L. Day )          | SMM |
| HIR.155     | Response                   | SMM |
| IEI.096     | Issue Fee                  | SMM |

Exhibit 2  
(Page 4 of 5)

Saturday, 10/27/07

|         |   |     |
|---------|---|-----|
| MAR.088 | FINAL ( 4 mo. )                           | PEM |
| HIR.161 | FINAL ( 2 mo. )                           | PEM |
| YOR.475 | Response                                  | FEC |
| NEC.334 | Response                                  | FEC |
| NEC.292 | Response ( 1 mo. )                        | FEC |
| MAT.026 | Response ( 1 x )                          | FEC |
| WAK.113 | FINAL ( 3 mo. )                           | DJL |
| NEC.298 | Response                                  | SMM |
| ORI.100 | Post Registration office action ( 3 mo. ) | SMM |
| TAK.051 | IDS                                       | SMM |
| NNN.792 | NOMP                                      | SMM |
| KAW.004 | NOMP ( 1 x )                              | SMM |
| MAS.023 | FINAL ( 3 mo. )                           | SMT |
| NGB.362 | FINAL ( 2 mo. )                           | FS  |

Sunday, 10/28/07

|         |                                  |     |
|---------|----------------------------------|-----|
| CAS.001 | FINAL ( 4 mo. )                  | SMT |
| NGB.308 | Notice of abandonment ( L. Day ) | SMM |
| NNN.793 | NOMP                             | SMM |
| NNN.791 | NOMP                             | SMM |
| UNI.021 | RCE and Preliminary Amend.       | PEM |

Monday, 10/29/07

|                    |                       |     |
|--------------------|-----------------------|-----|
| YOR.499            | I. Fee ( L. Day )     | FEC |
| <del>KUM.005</del> | I. Fee ( L. Day )     | DJL |
| <del>NGB.491</del> | I. Fee ( L. Day )     | SMM |
| CAL.001            | TM Response ( 4 mo. ) | SMM |

Exhibit 2  
(Page 5 of 5)

Exhibit 3



PEM

# NGB:

Y31-170800C

PCT/jp03/0

2002-08822

2002-137820

INVENTOR Ryugo SHIROZAKI, et al

SERIAL NO. 10/500,819 FILED JULY 7, 2004

SERIAL NO. 781

TITLE Positive Active Materials and Non-Aqueous Electrolyte Batteries Employing The Same

ASSIGNEE Yusasa Corporation GS Yusasa Corporation

ASSIGNMENT RECORDED 7/7/04 REEL 015838 FRAME 0184

[illegible]